

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, APRIL MUNIZ, MARCUS
MARTIN, NATALIE ROMERO, CHELSEA
ALVARADO, THOMAS BAKER, JOHN
DOE, and THOMAS BAKER,

Plaintiffs,

v.

JASON KESSLER, et al.,

Defendants.

Civil Action No. 3:17-cv-00072-NKM

**PLAINTIFFS' MOTION FOR EXTENSION OF TIME
TO RESPOND TO MOTIONS TO QUASH**

Plaintiffs hereby move this Court for a two-week extension, to and including March 9, 2020, to respond to the Motions to Quash Subpoena to Produce Documents filed by third parties Denise Y. Lunsford and John I. Hill ("Motions to Quash"). Ms. Lunsford and Mr. Hill agree to this extension, and good cause exists for granting this extension. In support thereof, Plaintiffs state as follows:

1. On January 28, 2020, Plaintiffs served Ms. Lunsford and Mr. Hill, who are criminal defense attorneys for defendant James Fields, with subpoenas *duces tecum* that required them to produce certain non-privileged documents concerning Fields and the Unite the Right rally in Charlottesville, Virginia on August 11-12, 2017 (the "Subpoenas").

2. On February 10, 2020, Ms. Lunsford and Mr. Hill filed the Motions to Quash. ECF Nos. 647 & 648. Plaintiffs' responses are due on February 24, 2020.

3. Plaintiffs have been attempting to obtain many of the documents requested by the Subpoenas from other sources, including defendant Fields, the City of Charlottesville, and the United States Department of Justice. On February 21, 2020, Plaintiffs received a supplemental production of documents from the City of Charlottesville that might include documents sought by the Subpoenas. If Plaintiffs obtain the documents requested by the Subpoenas from sources other than Ms. Lunsford and Mr. Hill, it would substantially narrow, if not moot, the Subpoenas and Motions to Quash.

4. A two-week extension would allow Plaintiffs time to complete their review of the recent production from the City of Charlottesville and determine what documents, if any, they still need from Ms. Lunsford and Mr. Hill.

5. Plaintiffs have conferred with Ms. Lunsford and Mr. Hill, and they consent to Plaintiffs' requested extension of time to respond to the Motions to Quash to March 9, 2020.

6. No party will be prejudiced by this extension, and this Motion is not made for purposes of delay or harassment.

THEREFORE, Plaintiffs respectfully request that the Court grant this Motion and enter an order extending the time to file a response to Ms. Lunsford and Mr. Hill's Motions to Quash up to and including March 9, 2020.

Dated: February 24, 2020

Respectfully submitted,

/s/ David E. Mills

David E. Mills (*pro hac vice*)
Joshua M. Siegel (VSB 73416)
COOLEY LLP
1299 Pennsylvania Ave., NW
Suite 700
Washington, DC 20004
Telephone: (202) 842-7800
Fax: (202) 842-7899
dmills@cooley.com
jsiegel@cooley.com

Of Counsel:

Roberta A. Kaplan (*pro hac vice*)
Julie E. Fink (*pro hac vice*)
Gabrielle E. Tenzer (*pro hac vice*)
Joshua A. Matz (*pro hac vice*)
Michael L. Bloch (*pro hac vice*)
KAPLAN HECKER & FINK LLP
350 Fifth Avenue, Suite 7110
New York, NY 10118
Telephone: (212) 763-0883
rkaplan@kaplanhecker.com
jfink@kaplanhecker.com
gtenzer@kaplanhecker.com
jmatz@kaplanhecker.com
mbloch@kaplanhecker.com

Yotam Barkai (*pro hac vice*)
BOIES SCHILLER FLEXNER LLP
55 Hudson Yards
New York, NY 10001
Telephone: (212) 446-2300
Fax: (212) 446-2350
ybarkai@bsflp.com

Karen L. Dunn (*pro hac vice*)
Jessica E. Phillips (*pro hac vice*)
William A. Isaacson (*pro hac vice*)
BOIES SCHILLER FLEXNER LLP
1401 New York Avenue, NW
Washington, DC 20005
Telephone: (202) 237-2727
Fax: (202) 237-6131
kdunn@bsflp.com
jphillips@bsflp.com
wisaacson@bsflp.com

Alan Levine (*pro hac vice*)
Philip Bowman (*pro hac vice*)
COOLEY LLP
55 Hudson Yards
New York, NY 10001
Telephone: (212) 479-6260
Fax: (212) 479-6275
alevine@cooley.com
pbowman@cooley.com

Robert T. Cahill (VSB 38562)
COOLEY LLP
11951 Freedom Drive, 14th Floor
Reston, VA 20190-5656
Telephone: (703) 456-8000
Fax: (703) 456-8100
rcahill@cooley.com

J. Benjamin Rottenborn (VSB 84796)
WOODS ROGERS PLC
10 South Jefferson St., Suite 1400
Roanoke, VA 24011
Telephone: (540) 983-7600
Fax: (540) 983-7711
brottenborn@woodsrogers.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2020 I filed the foregoing with the Clerk of the Court through the CM/ECF system, which will send a notice of electronic filing to:

Justin Saunders Gravatt
David L. Hauck
David L. Campbell
Duane, Hauck, Davis & Gravatt, P.C.
100 West Franklin Street, Suite 100
Richmond, VA 23220
jgravatt@dhdglaw.com
dhauck@dhdglaw.com
dcampbell@dhdglaw.com

Counsel for Defendant James A. Fields, Jr.

Bryan Jones
106 W. South St., Suite 211
Charlottesville, VA 22902
bryan@bjoneslegal.com

*Counsel for Defendants Michael Hill,
Michael Tubbs, and League of the South*

W. Edward ReBrook
The ReBrook Law Office
6013 Clerkenwell Court
Burke, VA 22015
edward@rebrooklaw.com

*Counsel for Defendants National Socialist Movement,
Nationalist Front and Jeff Schoep*

James E. Kolenich
Kolenich Law Office
9435 Waterstone Blvd. #140
Cincinnati, OH 45249
jek318@gmail.com

Elmer Woodard
5661 US Hwy 29
Blairs, VA 24527
isuecrooks@comcast.net

*Counsel for Defendants Matthew Parrott,
Traditionalist Worker Party, Jason Kessler, Nathan
Damigo, and Identity Europa, Inc. (Identity Evropa)*

John A. DiNucci
Law Office of John A. DiNucci
8180 Greensboro Drive, Suite 1150
McLean, VA 22102
dinuccilaw@outlook.com

Counsel for Defendant Richard Spencer

I further certify that on February 24, 2020 I served the foregoing upon following *pro se* defendants, via electronic mail, as follows:

Elliott Kline
eli.f.mosley@gmail.com
deplorabletruth@gmail.com

Robert Ray
azzmador@gmail.com

Vanguard America
c/o Dillon Hopper
dillon_hopper@protonmail.com

Matthew Heimbach
matthew.w.heimbach@gmail.com

Christopher Cantwell
christopher.cantwell@gmail.com

/s/ David E. Mills

David E. Mills (*pro hac vice*)

COOLEY LLP

1299 Pennsylvania Ave., NW

Suite 700

Washington, DC 20004

Telephone: (202) 842-7800

Fax: (202) 842-7899

dmills@cooley.com